

## **REMARKS**

### **Status of Claims**

The Office Action mailed November 9, 2007 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 1-17 were pending in the application. Claims 1, 2, 7, 10, 13, 15 and 16 have been amended. No new matter has been added. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier. Therefore, claims 1-17 are pending in the application.

### **Prior Art Rejections**

In the Office Action, claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication 2002/0143646 to Boyden (hereinafter "Boyden"). Claims 2-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyden in view of U.S. Patent Application Publication 2002/0116305 to Abhyanker (hereinafter "Abhyanker"). Applicant respectfully traverses these rejections for at least the following reasons.

Independent claim 1, as amended, recites: "said server being configured to calculate, with respect to a charge to be paid to a distributor entrusted with the delivery of the delivery charge bearing object commodity and a charge to be paid to a distributor entrusted with the delivery of the auction commodity, the amount of the delivery charge to be borne in accordance with prices of the delivery charge bearing object commodity and the auction commodity, and configured to perform a sales process based on the calculated amount of the delivery charge to be borne." Boyden and Abhyanker, fail to suggest at least this feature of claim 1.

While Boyden generally teaches determining delivery costs for an auction commodity (a used car) that is sold, Boyden does not disclose or suggest calculating the amount of a delivery charge to be borne in accordance with the prices of a delivery charge bearing object commodity and auction commodity with respect to the charge to be paid to a distributor entrusted with the delivery of the delivery charge bearing object commodity and the auction commodity. Thus, Boyden fails to anticipate or render claim 1 unpatentable.

Abhyanker fails to make up for the deficiencies of Boyden. Abhyanker is directed towards facilitating an auction and selecting shipping services through a bidding method. The portal of Abhyanker either selects a bid, or allows the buyer or seller to select a bid. There is no teaching or suggestion in Abhyanker of calculating the amount of a delivery charge to be borne in accordance with the prices of a delivery charge bearing object commodity and auction commodity with respect to the charge to be paid to a distributor entrusted with the delivery of the delivery charge bearing object commodity and the auction commodity.

Independent claims 2, 7, 10, 13, and 15-17 include features corresponding to those discussed above with respect to claim 1, and are patentable for analogous reasons.

The dependent claims are patentable for at least the same reasons as their respective independent claims, as well as for further patentable features recited therein.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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